City Employees Put in a Day Repairing the Streets.

### Drainage District Meeting To Be Held March 28.

The city street department spent Tuesday in grading all of the dirt roads in the city limits on the North side, which have been out of condition during the winter. The streets in Holman's addition were well graded as well as St. John and Klous streets, which have been in bad condition which have been in bad condition. side, which have been out of condition The h have been in bad condition ed by the wet and thawing weathcaused by the wet and thawing weather of January and February. They overlooked the street from the end of the pavement on Kansas avenue to the bridge over Soldier creek. A great many improvements have been made by the county on the roads which run into the city.

False Alarm of Fire.

Gay night, March 17 at Kellam hall.

Mrs. George Mossow arrived a few days to visit her mother, Mrs. E. B. Jolley, Mr. Mossow is connected with the Santa Fe axie light department.

A. L. Cook, traveling passenger agent for the Canadian Pacific rail-time of the Can

of the drainage board nothing definite was decided on account of the
fact that the plans were not yet corrected, but since the meeting theyhave been corrected by Mr. Parkhurst.

State Engineer Walker of Manhattan is trying to find a suitable location
for the meeting, which will be held
about March 28. Menoken will probably be decided upon as the most convenient place for all concerned.

Notes and Personals.

On account of the success of the entertainment given last week by the members of the Parent-Teachers association in the Quincy school building, an order has been placed for a new 10x12 foot screen for the stereoption exhibitions at the school.

Mr. and Mrs. L. I. McFarland of the Santa Fe water service today.

Mr. and Mrs. L. I. McFarland of the Santa Fe water service today.

The extra switch engineers board at Argentine has been reduced from the stereoption exhibitions at the school.

Argentine has been reduced from the stereoption exhibitions at the school.

The extra switch engineers board at Argentine has been reduced from the school contained. 940 Van Buren street are the parents of a baby boy born yesterday afternoon.

Mrs. and Mrs. L. 1. McFarman and 1940 Van Buren street are the parents twenty to twelve men.

Mrs. McGoff, wife of J. H. McGoff,

North Topeka Camp M. W. A. meets every Thursday night. Refreshments—Adv.

Spring practice has been started by the boys of the upper grades in the public schools of the North side, who will compete for baseball honors this

comes International Character.

Callfornia and other western points.

The meeting of the C. C. club has been postponed until Wednesday, been postponed until Wednesday, towns women cooks; laundry help; experienced girls, dining room and lunch counters, in many towns women cooks; laundry help; experienced girls, dining room and lunch counters, in many towns women cooks; laundry help; experienced girls, dining room and lunch counters, in many towns women cooks; laundry help; experienced girls, dining room and lunch counters, in many towns women cooks; laundry help; experienced girls, dining room and lunch counters, in many towns women cooks; laundry help; experienced girls, dining room and lunch counters, in many towns women cooks; laundry help; experienced girls, dining room and lunch counters, in many towns women cooks; laundry help; experienced girls, dining room and lunch counters, in many towns women cooks; laundry help; experienced girls, dining room and lunch counters, in many towns women cooks; laundry help; experienced girls, dining room and lunch counters, in many towns women cooks; laundry help; experienced girls, dining room and lunch counters, in many towns women cooks; laundry help; experienced girls, dining room and lunch counters, in many towns women cooks; laundry help; experienced girls, dining room and lunch counters, in many towns women cooks; laundry help; experienced girls, dining room and lunch counters, in many towns women cooks; laundry help; experienced girls, dining room and lunch counters, in many towns women cooks; laundry help; experienced girls, dining room and lunch counters, in many towns women cooks; laundry help; experienced girls, dining room and lunch counters, in many towns women cooks; laundry help; experienced girls, dining room and lunch counters, in many towns women cooks; laundry help; experienced girls, dining room and lunch counters.

relief known.

Why not get some now—this moment, and forever rid yourself of store, annual St. Patrick's perfect of the some and digestion?

dieted storach gets the blues and grumbles. Give it a good eat, the growth of the storach and digestion?

dieted storach gets the blues and grumbles. Give it a good eat, the growth of the storach and digestion and digestion and poles your beat with misseous odars.

Mr. And Mrs. Fred Bedder and progress the storach and forever rid yourself of storach gets the blues and grant beat storach and digestion and poles your beat with misseous odars.

Mrs. C. O. McKinney. Baby Evelyn Mrs. Y. C. McKinney. Mrs. John A. McKinney. Institute of the first of the fluid of the Mispah society of the Smith. Mrs. E. O. Buckman, Mrs. E. D. Buckman, Mrs. E. O. Buckman, Mrs. E. O. Buckman, Mrs. E. O.

Mr. Coxe wanted Dr. Harding to oradmired her ability."

Engineer Edward Eylar, who for a number of years was on the Santa Fe motor car between Atchison and Holliday and who has been in the company hospital here the past few months, is remarkably improving and able to go out from the hospital.

The regular meeting of the least of the regular meeting of the least several control of the company meeting of the least several control of the least seve

# [Items for this department may be phoned to 3915 or State Journal office.]

A silver tea under the auspices of the Oakland Presbyterian church Ladies Ald society will be held Thursday afternoon at the home of Mrs. H. P. Carothers in Winfield avenue, to which all ladies of the community are invited.

Mrs. John Holmes and Mrs. Cyrus Holmes will be guests Thursday at the J. C. Lingo home in Oakland avenue. Committees from the Oakland avenue. Committees from the Oakland I. O. O. F. and Rebekah lodges are planning a musical entertainment to be given in their hall Thursday evening. March 23.

Mr. and Mrs. N. E. Copeland have

Mr. and Mrs. N. E. Copeland have returned from an extended visit in California and other western points.

ANTS W

AND MISCELLANEOUS ADS

The doctor, however, says she has
not got sufficiently excited over our
"dilapidated" legal system yet, and
she has too many "hot trails" to follow right now instead of going of
after cold ones.

SANTA FE NOTES
[Thems for this department may be
phosed to 2915 or State Journal office.]

The entertainment committee of the
Ladies' Auxiliary to the B. of R. T.
met this afternoon with Mrs. George
Rake to make final arrangements for
their first annual bail to be given Friday night, March 17 at Kellam hall. AND MISCELLANEOUS ADS

overlooked the street from the end of the pavement on Kansas avenue to the bridge over Soldier creek. A great many improvements have been made by the county on the roads which run into the city.

False Alarm of Fire.

The first alarm which has been registered at the No. 1 fire station for the past two weeks or more proved to be a false alarm, when the company was called to Willets's cafe at 807 Kansas avenue, at 8 oclock last night.

Drainage District Meeting.

Plans are under way to arrange a meeting of the residents of Soldier and Indian creek country who are internetted in the survey which has been made and corrected, for the drainage of the streams. At the last meeting of the regular meeting of the residents of Soldier and Indian creek country who are internetted in the survey which has been made and corrected, for the drainage of the streams. At the last meeting of the regular meeting of the treatment has been in the command and corrected, for the drainage of the regular meeting of the Ladles' the hospital here the past few months, is remarkably improving and able to go out from the hospital.

The regular means of the says to remain here days to remain here days to remain here days to say light to the Shaw Hard the Santa Fe axie light department.

A. L. Cook, traveling passenger agent for the Canadian Pacific railway with headquarters in Kansas City. Wilson, lots 182 n. ½ 160 s. ½ 164 c. G. Deck and husband to Shaw the partment.

A. L. Cook, traveling passenger agent for the Canadian Pacific railway with headquarters in Kansas City. Wilson, lots 182 n. ½ 160 s. ½ 164 c. G. Deck and husband to Shaw the passenger agent for the Canadian Pacific railway with headquarters in Kansas City. Wilson, lots 182 n. ½ 160 s. ½ 164 c. C. W. Campbell, foreman of the Santa Fe paint department, and his men are redecorating the interior of the Santa Fe paint department and his men are redecorating the interior of the Santa Fe depot here.

Engineer Edward Eylar, who for a motion of the Santa Fe depot here.

Engineer Edward Ey

the Order of Railway Conductors will return within a few days from Clovis, N. M., where he is spending this week furnished: got one child 12 years old: pre-

way mail, mail carrier, incremal revenue. We prepare you and guarantee passing grade. Complete course \$1.00, under former Civil Service Examiner. U. S. School of Civil Service, Kenols Bldg., WANTED. E. WANTED. E. WANTED.

Washington, D. C.
WANTED Experienced farm and dairy hands; married couples for farms: man and wife, hotel work; men cooks; kitchen help, hotel and restaurant help, etc. Furman Employment Office, 811 Kan, Ave.

WANTED-FEMALE HELP. WANTED Next, experienced girls, dining room and lunch counters, in many towns; women cooks; laundry help; experienced girls, private families; hotel help, etc. Furman Employment Office, Sil Kan.

made a study of the court systems of and appron she will be made. The made and is the author of pamphiets on the subject of introducing those systems that our country. He says the fashioned, out-of-data, expensive and absurd system that was brought over by the Mayfower immiranta. Cult Wirginia Bradfield is slowly by the Mayfower immiranta. Cult with the part of the court, but never is the part of th

WANTED-TO RENT.

WANTED—At once six or seven room house, strictly modern, close to car line and school, C. J. Norris with Pelletiers Stores Co.

A. A. RODGERS & CO.

FOR RENT.

1323 Quincy, 5 r., furmace, bath, barn.

1204 Clay, 4 r., bath, el. lt., gas.

226 Pilimore, 4 r., bath,

H57 Boswell, 7 r., el. lt., barn.

1228 Jackson, 5 r., city water, gas.

J. E. TORRINGTON, 109 W. 6th. Tel. 228. FOR RENT-7 rooms, strictly modern,
1201 Tyler st. 7 rooms, strictly mod.
npartment, S27 Telefernser,
Phone S8. C. KERSEY,
Walvane Building

FOR RENT-5 room cottage, 614 Fast 17th, Inquire Lawson & Rausch, wall paper store. 208 West 7th, Phone 1197.
FOR RENT-1719 Kansas ave, nice 4 room modern cottage except furnace. Phone 2025 Red. FOR RENT.—1719 Kansas ave, nice 4 room modern cottage except furnace. Phone 500 525 Red.

FOR RENT.—7 rooms, barn, coal shed, outbuilding, city water, gas, two lots. Too Price \$10. Address A 73, care Journal. Eight room a odern residence, 1273 Harrison, Inquire Reisner, 1275 Harrison, 130 FILLMORE, cottage, 5 rooms and bath. Phone 4758 Blue.

ALL or part of modern 7 room house. Call 2240 Blue.

FOR RENT-FLATS.

FOR RENT-6 room flat, 1225 Monroe, \$14. Geo, E. Seybold. Phone 513 or 3746 Black FOR RENT-5 room modern apartment on Topeka ave. Phone 919. THREE modern furnished rooms and large alsoning porch. Phone 335. sleeping porch. Phone 335.
FOR RENT-Flat, strictly modern; partly furnished. 915 Quincy.
FOR RENT-One Heinz flat. Phone 1213.

BOARD AND ROOMS.

SUITE of rooms newly papered and fur-nished for light housekeeping. Call morn-ing or evenings. Phone 2516 Blue. ST IICTLY moders furnished front room. 314 Huntoon. Phone 1974 after 0 p. m. ONE furnished room, with or without housekeeping privileges. 828 Filimore.

FOR RENT-ROOMS FHREE connecting first floor rooms for housekeeping, desirable, modern, close n, southwest; adults. Phone 5139 Red. INFURNISHED rooms, half cotting, 5 rooms; adults. 1019 Madison. Call 1321

933 KAN, AVE., 2 front, unfurnished rooms single room, 2299 Bine. rooms, single room, 2299 Blue.
FURNISHED front room, modern, for gen-tlemen, 1106 Van Buren.
MODERN ROOM with or without board.
1118 Van Buren, Phone 2911 White.

FOR RENT-FARMS. DO YOU WANT

JOHN R. CARTER

FARM FOR RENT.

Seven room house, large barn, about 15 acres in orchard, about 49 acres cultivation, balance meadow and pasture. Price \$400, \$200 cash, bankable note for \$200 without interest, due January 1, 1917. Farm 10 miles from Topeka.

W. M. FORBES & CO. 107 West Seventh.

St. Phone 4400 White.

FOR RENT-160 acres, 10 miles from Topeka, 35 acres cultivated, 5 acres of alfalfa, 10 acres of hay land, balance pasture. L. S. Lovitt & Son, 531 Kansas Ave. FARM FOR RENT.

for house, farm, lodge, \$30, \$35, \$40, for office, store, mill, etc., \$50, \$90, \$75, \$30. GOOD five room house, Oakland, one block mils.

FOR SALE-HOUSEHOLD GOODS FOR SALE-HOUSEHOLD GOODS.

## BUY OR SELL

JUST SUIT YOURSELF. WE DO BOTH. E. L. BUCK FURNITURE CO.

### FOR SALE—REAL ESTATE. FOR SALE—REAL ESTATE.

QUICK SALE SACRIFICE NORTH TOPEKA, easy distance west of fire station, 2% lots, 2 story 7 room, cellar, gas, electric light, cistern, pump in kitchen, well and pump, hydrant, sewer connection, fine lawn and shade, good repair and paint; good tenant. Cheap at \$1,200, but is to be sold. Make offer and buy a bargain.

Shawnee investment co.

FOR EXCHANGE.

WANTED to trade for vacant lots, 1913 40 H. P. Oakland automobile, driven less than 8,000 miles; in fine condition. Address Lots, care Journal.

FARM LOANS FOR SALE

FLORISTS.

BAYES FLOWER SHOP

STOCKS AND BONDS. THOS. J. MYERS.

PATENTS. A. ROSEN, patent attorney, 415 Kas-

FARM LOANS FARM LANDS, 5 and 6 per cent. See Nichola Renity Co., 529 Kansas ave. Tel

TYPEWRITERS. ALL MAKES for sale or rent. Best me chanical department in the country.

CRANE & CO
Topeka, Kan

45 Years in Business

UNDERTAKING.

INSURANCE.

FIRE and auto insurance. Nichols & Crouch, 801 N. Kansas ave. Phone 2062

MACHINE SHOPS

PICTURE FRAMING.

LEGAL publisted in the Topeka Journal, February 26, 1916.]

ADVERTISEMENT.

The State School Book Commission here-by invites propositions for plate rental and the sale of the Kansas copyright privilege for books, and for the sale of the kansas copyright privilege for manu-scripts in the following subjects:

FRAMING, regilding, mat making, mounting done by I D Sullivan 122-124 W Sth.

Phone 5050.

534 Kansus Ave.

J. E. TORRINGTON

FRIED CHICKEN, BROWN GRAVY. NEW POTATOES, CREAMED, EGGS BAKED IN TOMATO CUPS. CUCUMBER AND LETTUCE SALAD, HOT CHERRY PIE.

IF YOU BUY ONE OF THESE SUB-URBAN PLACES.

for garden and flowers. Buy this 1½ acre suburban, two blocks west city limits, with good cottage and orchard. The price will suit any one that wants it.

THEN It you want a new never occupied home on West side that is a beauty, and priced right, call me; wish to sell them both this week.

C. KERSEY. 16 lots and 5 r. cottage, 2 porches, electricity, cistern, well, barn, walks, shade, plenty fruit, 2 hen houses, Highland Park, 83,000.

Oakland. Phone 2035 Blue.

3 scres. 7 r. house, 2 porches, S. W. of Washburn. Blau gas, furnace, 3 piece modern 400 Western ave.

Leward.

BYOR DENSITY FOR A STATE OF SERVICE.

10 a., 7 r. house, cave, well, cistern, barn, poultry house, 1 a. pasture, 8 a. in cultivation, 3½ a. are in orchard, 2 a. alfalfa. \$4,000. East side.

5 a. and 4 r. house. 2 miles S. W. of he Country Club. Cellar, barn, well, cis-iern, fruit, poultry house, 3 a. nifalfa, 1 i. fenced off with chicken wire for gard-ening. Gravel road clear out. \$3,100.

150 a. 5½ miles N. E. of Topeks, 90 a. in cult, 50 a. pasture. Exceptionally good and extensive improvements, including a large house, silo, 50 a. bottom, etc., \$15,-500. FARM LOANS, 5 and 6 per cent. See Nichols Realty Co., 529 Kansas ave. Tel

STEPHENSON & WEBB F. C. WORKMAN, Mgr. B. E. Dept. 611 Kansas Ave. Phone 655.

## SIX ROOMS

On East 6th st., 2 lots, good condition, \$1,400. \$50 cash, \$15 per menth. 5 rooms on East 10th st., good condi-tion, 35 feet ground, \$1,400. \$15 cash, \$15 per month. \$13 E: 6th st. for rent, \$11.

\$1800

One acre of fertile ground, 4 rooms with large attic, basement and well, new prop-erty, within easy walking distance of San-ta Fe shops. Price \$1.800, \$100 cash, bal-ance very easy terms. SHAWNEE INVESTMENT CO.

OAKLAND BARGAIN OWNER COMPELLED TO MOVE

5-room frame, 2-story house, newly ra-pered and finished inside, electric lights, gas, cellar, well 1½ lots, shade, 1½ blocks to csr. ½ block to church 6 blocks State Street school, easy walk Santa Fe shops. Encumbrance \$800 at 7 per cent interest Call 5433 J.

FOR SALE OR TRADE. 77 acres close to Topeka, all bettom land. Want a small property in Topeka cash difference.
Dandy, clear up-to-date little rooming house, close in, modern house; rents for \$25.00. Some cash and payments. G. W. BRADLEY. Phone 1282. Add. 518 Taylor St., Topeka

SOME CHEAP ONES

FENIMORE MOVING AND STORAGE moving, \$2.90; large van load; storage \$1.00 month; expert packers. Phone 4341. % acre, 6 or 7 room house, electric, city water, sewer, 1½ blocks of Potwin, pav-lag and street car. \$1.850. 7 rooms, 2 east front lots, barn, electric, city and cistern water, \$1.550. 7 rooms, complete bath, gas, barn, 3 lots, \$2.100. \$2,100. COTTRELL CO., 107 E. 7th. Tel. 556-3408. ROOMING HOUSE WANTED-Your tawn mower to overhan and grind, factory process, \$1.00 Tel Howard 1377 Free delivery

10 rooms, all modern, east front, barn, uthwest, was \$4,500, making a great re-cretion for quick sale for \$5,100. DTTRELL CO., 107 E. 7th. Tel. 556-3408. LEAVING THE CITY

I have to leave the city and will sell my new modern home at a big sacrifice. Address L-392 care Journal.

FOR SALE-OAKLAND BARGAIN.
New cottage 4 rooms all papered by New cottage, 4 rooms, all papered, pan-try, large attic, gas, cellar, well, small fruit, 6 lots, Immediate possession for \$2.250. Terms \$190 cash, \$20 per month, P. C. MOORE, 351 Wabash Ave. FOR SALE-106 acres improved Kaw Val-ley farm on Upper Shver Lake road, west of Topeka, Price \$25 per acre; terms, A. L. Furman, Topeka, Kan, SH Kan, Ave. WOR SALE ON PRINT, 12 room for for FOR SALE OR RENT-12 room flat, fur-nished, one block from transfer station. Phone 4300. Phone 4563.

FOR SALE-7 lots, Lane st., south of Hampdon, Clarence D. Vawter, Waka-

cripts in the following subjects:
Spelling
Primary Arithmetic
Advanced Arithmetic
Advanced History
Clivics
Algebra
Primary Grammar Language
Advanced Grammar or Language
Primary Physiology and Hygiene
Advanced Physical Geography
A full series of Writing Books for
rades. rosa.

FOR SALE—160 acres of good smooth land in Hamilton county, \$850 cash; no trade. A. L. Furman, Topeka, Knn., Sil Kan. ave. FOR SALE OR TRADE 6 lots, 7 room house, electric light; good outbuildings. Phone ENE N.2. Phone 2682 N-2

Provided Provi TEN-ROOM modern house. West side, near new Catholic church. Easily converted into apartments. 35 Columbian Bidg. 1477.

[Published in The Topeka State Journal, March 15, 1916.]

# SUPREME COURT SYLLAB 1.

No. 19,739. T. J. English, Appellant,

and had agreed to replace this with one executed by himself and wife, used the same property to secure a loan to complete payment for a farm and then promised his debtor to give him a mortgage on the farm executed by himself and wife—but gave him only a mortgage signed by himself and not acknowledged, the wife refusing to join, but she, with her husband enjoying the fruits of such exchange of security. The only defense pleaded to plaintiff's action to subject the land to the lien of his debt was a general denial. Held, that as between those parties the land is subject to such hen.

2. The husband and wife conveyed the land two days before this suit was begun but the grantees did not record their deed until some time after service had been made. The evidence as to such grantees being innocent purchasers examined and held to have been such as to entitle plaintiff to its submission to the jury under proper instructions.

All the Justices concurring.

A true copy.

Attest:

D. A. VALENTINE, [Seal.]

No. 19,740. R. A. Tidball, Appellee,

Missouri, Kansas & Texas Railway Company, Appellant.

Appeal from Wyandotte County District Court. Division No. 2

AFFIEMED.

Syllabus. By the Court. Dawson, J. 1. Misconduct of counsel and the trial court's ruling thereon considered and held not so serious as to require a reversal.

2. The duty to look and listen before crossing a railway track does not relate to a situation where the railroad train is standing at the edge of a crossing and where the railway's employee gives a signal and invitation to cross.

3. While plaintiff on a public street was driving a borse and wagon over a railroad crossing, by the edge of which a number of freight cars were standing, the cars were suddenly backed into his wagon, breaking it, tearing his harness, and throwing him out and injuring him. The evidence touching plaintiff's damages examined and a verdict for \$\$550 held not excessive.

Johnston, C. J. Burch, J. Mason, J. th this week.
S. C. KERSEY.
REAL ESTATE AND FIRE INS.
none 88.
Mulvane Building FOR SALE—Five-room cottage with 1% or 3 lots; water, sewer, gas and electric light in house. Inquire of owner, phone 2486 Red. 1031 College ave.

SAINT MARY FOR TOPENA
6 room house, 4 lots, electric, barn, \$2,000,
Trade for Topeka house,
COTTRELL CO., 107 E. 5th. Tel. 556-3608,
WANTED to trade for vacant lots, 1913 40

Cessive.

Johnston, C. J., Burch, J., Mason, J.,
and West, J., concurring.
Porter, J., and Marshall, J., dissenting.
A true copy.
Attest:
[Seal.]

Old VALENTINE.
(Seal.)

W. L. Gunn, Appellant,

No. 19,764.

W. L. Gunn, Appellant,
vs.
Appeal from Sedgwick County.
Division 1.
AFFIRMED.
Syllabus. By the Court. Porter, J.
1. The right of a bank to enforce its lien or offset against a general deposit and to apply the deposit to the matured indebtedness of the depositor does not depend upon an express direction or authority of the depositor, where there is no understanding or agreement to the contrary between the depositor and the bank.
2. There is ordinarily no distinction between the right of a back to PERSONAL PROPERTY.

Horses, cattle, pianos, diamonds, house hold goods, libraries typewriters, autos carriages, machinery, and to salaried people. F. 8. Thomas, 519 Kan. Ave. Tel. 298.

MONEY TO LOAN on city and farm property, any amount, low interest rates and most liberal terms. Call or write for our plan. W. M. Forbes & Co.

We have several farm loans secured by first mortgage on improved farm lands in Kansas, mortgages draw 6 per cent THE CAPITAL MORTGAGE CO., 519-20 New England Bidg. MONEY TO LOAN on good city property. Gillett & Gillett.

No. 19.891. M. A. Fitzgerald, Appellec. for fresh flowers, wedding and funerals a specialty. Our stock always fresh Grown in our own greenhouses 819 Kan ass are. Phone 377. MRS M. E. HOLCRAPT—Cut flowers floral designs, 807 Kan, are. Phone 176-W

No. 19.891.

M. A. Fitzgerald, Appellee.

(H. P. Fitzgerald and E. E. Isenberg, Appellees, and) J. E. Fitzgerald, Appellant. Appeal from Sherman County.

REVERSED.

Syllabus. By the Court, Marshall, J. Gne to whom the owner of land is indebted, and who orally agrees to and does lend money to the land owner with which to pay some of his debts, and who promises to and does lend money to the land owner of the land owner for the land owner for the land owner for the land owner for other of his debts, on the agreement of the land owner that he will deed to the other certain lands to secure him for the debts, money loaned, money paid and obligations incurred, becomes an equitable mortages of the lands agreed to be conveyed from the time of making such agreement; and his lien is paramount to that of a subsequent attaching creditor, although the deed is not made nor recorded until after the attachment is levied.

All the Justices concurring.

Attest:

D. A. VALENTINE.

Clerk Supreme Court. COLUMBIAN BLDG.
rament and railroad bonds, grain
copper stocks. First and second
rages bought, sold and placed. FOR SALE—New and second-hand carom and pocket billiard tables and bowling alleve and cigar store fixtures: easy pay-ments. Send for catalogue. The Bruns-wick-Balke-Collender. Co., 1329-31 Main atreet. Kansas City. Mo.

No. 19.692. William Lampe, Appellee, vs.

Appeal from Seward County.

MODIFIED

Syllabus. By the Court. West. J.

1. Shortly after the holders of certain mechanics liens had begun suit to foreclose, a quit claim deed amounting to a mortgage on the land involved in the suit was executed to a trustee for the benefit of such lien holders. The foreclosure suit went to judgment, the land was sold and the sale confirmed, one of the lien holders being the purchaser at about one-fourth the amount of the judgments. Later the fee owner conveyed by warranty deed and at the same time assigned his right of redemption to the plaintiff who sought to redeem on the basis of the sum for which he land sold at foreclosure. His payment being refused he sued for an accounting of rents and profits and to redeem. Held, that the sum the land sold is the proper basis for redemption.

2. Such deed and assignment having heen executed at the same time must be construed together and for the purposes of this case amount merely to a transfer to the plaintiff of the fee owner's right to redeem.

3. The fee owner having requested the M. PENWELL, funeral director and embalmer, T. E. Jones, Ass't First class cryice 508-510 Quiner at Telephone 192

redeem.

3. The fee owner having requested the purchaser at the foreclosure sale to take up a mortgage on the land which he had executed to another—which was done and satisfaction entered of record—in order to redeem and oust the purchaser must account for such mortgage, and the plaintiff, standing in his shoes, is under like obligation.

origation.
All the justices concurring.
A true copy.
Attest:
[Seal.]
Clerk Supres D. A. VA CNTINE, Clerk Supreme Court.

The Wichita Acetylene Manufacturing Company, Appellant, and Sopha Haughton. Appellant, and Sopha Haughton. Appenl from Greenwood County. MODIFIED.

Syllsbus, By the Court, Mason J.

MODIFIED.

Syllabus. By the Court. Mason, J.

Rulings of the trial court can not be reviewed in an appeal which was perfected before they were made.

Language of a journal entry, to the effect that the obligation sued on was found to have been contracted for the erection of improvements on a home held to show a judgment that the homestead was not exampt from sale for its payment.

right sais of the Ashasa copyright privilege for books or manuscripts or propositions may be made on a royalty basis for a period of not less than five years.

Samples of books or manuscripts submitted and propositions should be in the hands of the Secretary of the School Book Commission not later than 9 500 A M., June 21, 1916.

The School Book Commission reserves the right to reject any or all bids submitted. Address communications to A. M., Thoroman, Secretary School Book Commission, Topeka.

Was not exempt from anie for its payment.

3. The provision of the constitution that to prove the payment of obligations contracted for the sprever shall be exempt from sale for the payment of the constitution that to provide the payment of the provision of the constitution that the payment of the p

LEGAL. No. 19,948.
The Union Central Life Insurance Com-

pany, Appellant,

P. H. Puckett, Trustee, et al., Appellees.
Appeal from Cherokee County.

REVERSED AND REMANDED.

Syllabus. By the Court. Johnston, C. J.
A stipulation in a mortange provided that if payments of principal and interest of the mortgage debt were not paid when due, or if the taxes assessed against the mortgage property were not paid when payable, the whole debt should become due and the mortgage become subject to foreclosure at the option of the mortgage, and that in case a default was made in the payment of taxes the mortgage might; and the same and the mortgage should stand as security for the taxes so paid. Held, that a default in the payment of the taxes operated to accelerate the maturity of the mortgage debt and gave the mortgages the right to maintain foreclosure at once; and held further, that the right to foreclose was not waived by the mortgages.

All the Jostices concurring.

A true copy.

Attest:
D. A. VALENTINE.
[Scal.]

Clerk Supreme Court.

L. E. Fontron, Appellee,

L. E. Fontrou, Appellec,
O. H. Beutley et al., Appellants,
Appeal from Kingman County.
AFFIRMED.
Syllabus, By the Court. Burch, J.
A person claiming real estate under title
derived from the governme
adverse possession for more than twenty
years may quiet his title against a claimant under tax deeds more than two years
old who has commenced no proceeding to
obtain possession.

D. A. VALENTINE, Clerk Supreme Court.

No. 19,970. Lodie T. Bruce, Appellant,

Lodie T. Bruce, Appellant, Vs.

William Mathewson and Mrs. William Mathewson, Appellees.

Appeal from Sedgwick County.

(Division No. 1.)

Syllabus. By the Court. Johnston, C. J.

A fluding of the trial court that a certain deed purporting to have been executed by a granter to his wife and which was placed on record by her was not intended to be delivered and become effective as an absolute conveyance of title to the land, is held to be sufficiently sustained by the testimony, and further held, that no material error was committed in the trial of the Land.

All the Justices concurring. D. A. VALENTINE. Clerk Supreme Court. No. 19,971. Prances Keck, Appellee,

J. J. Jones and C. M. Haverstock, Appel-

J. J. Jones and C. M. Haverstock, Appellants.

Appeal from Seigwick County.

Second Division.

REVEINSED.

Syllabus. By the County.

By the County.

Syllabus. By the County.

Burch. J.

1. An automobile dealer ordered a Ford taxleab for a enstoner. The car arrived at the dealer's garage, was supplied with gasoline, oil, water and air, was inspected, and was tested by running it, all before noon of a certain day. In the afternoon of the purchaser came for the car, paid for it, declined assistance in operating it because he had had experience, and drove it away. After driving the car for probably an hour the purchaser returned to the garage and asked for some one to accompany him to observe the mechanical operation of the car and make any adjustic order and sent an employee, who was a machinist, with the purchaser to obstace of the car and to the same order and sent an employee, who was a machinist, with the purchaser to obstace of the car and correct the same if found defective, and correct the same if found off the car.

On the way he collided with a pedestrian who was injured. The machinet did not interfere with the operation of the car, and consequently the dealer was not responsible for the owner's negligent handling of the car.

2. In an action for damages by the injured pedestrian the petition charged that

[Seal.] Clerk Supreme Court.

No. 19,962.

F. W. Heston, Appellant,

John H. Burnside, et al., Appellees.

Appeal from Seward County.

AFFIRMED.

Syllabus, By the Court. Burch, J.

In an action for specific performance an injunction was granted restraining the disposition of property. The bond was conditioned for the payment of damages if it were decided the injunction ought not to have been granted. Subsequently the injunction was modified and a portion of the property was released, not because the injunction was wrongfully issued, but because the plaintiff could be protected and the defendant advantaged. The defendant disposed of all the property, the remedy of specific performance became valueties. William Lampe, Appellee,
vs.

The Star Lumber Company, a Corporation,
Lee Larabee, E. T. Guymon, J. A. Black,
partners doing business under the firm
name and style of The Star Lumber
Company, Lee Larabee, Charles Sum
mers, Ralph Summers and J. A. Black,
Appellants

Appellants

Appellants

Appellants

MODIFIED.

Syllabus. By the Court, West. J.
Syllabus. By the Court, West. J.
Syllabus. By the Court, West. J.

I. Shortly after the holders of certain
mechanics liens had begun suit to fore
close, a quit claim deed amounting to a
mortgage on the land involved in the suit
was executed to a trustee for the benefit
was executed to a trustee to the public the defendant advantaged.

the defendant ad

C. F. Subke, Appellee, M. D. Gonder, Appellant, Appeal from Gray County, REVERSED.

D. A. VALENTINE, Clerk Supreme Court.

In the Matter of the Application of Nina
Will for the Writ of Habeas Corpus.
Original Proceeding in Habeas Corpus.
WRIT BENTED.
Syllabus. By the Court. Dawson, J.
Rule followed that the supreme court will not interfere with the orderly jurisdiction of an inferior court by summary discharge of a petitioner on habeas corpus, when the petitioner's cause is still pending and undetermined in such lower court, and where all the objections to the validity of the proceedings being taken against the petitioner can still be ursed before the court whose process has deprived her of her ilberty. (Civ. Code, 629; in re Gray, 68 Kan. SSO, 68 Pac. 658.)
All the Justices concurring.
A true copp.
Attest:
D. A. VALENTINE, [Seal.]
Clerk Supreme Court.

No. 19,964.

Paul D. Cole, Appellee,

Very Appellee,

Way Company, Appellant,

Appeal from Cowley County.

Affilmed,

Affilmed,

Affilmed,

Affilmed,

Affilmed,

Syllabos, By the Court. Porter, J.

In this case the evidence and special findings are examined and it is held that findings are smallered are within the issues raised by the pleadings; that the findings are consistent with each other and with the general verdiet.

All the Justices concurring,

A frue copy.

Attent:

D. A. VALENTINE,

[Seal.]

Continued on Next Page.)